

# TECHNICAL MEMORANDUM

Utah Coal Regulatory Program

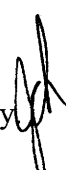
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April 29, 2008



TO: Internal File

THRU: Jim Smith, Permit Supervisor *DS 05/05/08*

FROM: Joe Helfrich, Environmental Scientist, Biology 

RE: 2006 Midterm Review, Wildcat Loadout, C/007/0033, Task ID #2962

## SUMMARY:

The Division is required to review each active permit during its term in accordance with R645-303-211. The Division is currently conducting the Midterm Review for the Wildcat Loadout. One of the pertinent elements chosen for this current review focuses on the following:

A review to ensure the Plan reflects changes in the Utah Coal Regulatory Program – specifically compliance with the U. S. Fish and Wildlife Recovery Implementation Program for Endangered Fish Species in the Upper Colorado River Basin. The Division received calculations for mine water consumption for the Wildcat Loadout on April 22, 2008. This memo will include a review of those calculations.

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**TECHNICAL ANALYSIS:**

**OPERATION PLAN**

**FISH AND WILDLIFE INFORMATION**

Regulatory Reference: 30 CFR Sec. 784.21, 817.97; R645-301-322, -301-333, -301-342, -301-358.

**Analysis:**

**Wetlands and Habitats of Unusually High Value for Fish and Wildlife**

The USFWS has determined that water depletions from the Upper Colorado River System are a major source of impact to four endangered fish species (Colorado pikeminnow [squawfish], humpback chub, bonytail chub, and razorback sucker). The USFWS Recovery Implementation Program is the reasonable and prudent alternative to avoid the likelihood of jeopardy to these fish.

The Permittee must update all equations and justifications with supporting documentation leading to the overall sum of water depletions or additions when projects would significantly change the current estimated value. If values increase over 100 acre-feet of water, the Permittee will mitigate their impact by contributing a one-time fee to the Recovery Program.

According to the information in the application water consumption for the Wildcat Loadout is estimated at 2,708,000 gallons/year or 8.311 acre/feet per year. No mitigation to the Colorado Fish Recovery Program is required.

**Findings:**

Information provided in the plan meets the Operations - Fish and Wildlife Information requirements of the regulations.

**RECOMMENDATIONS:**

Approve the midterm review.